

DOCKET NO.: 274670US2PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: William KUNG et al.

SERIAL NUMBER: 10/541,243

FILED: July 1, 2005

**MAIL STOP PCT**

FOR: MULTI-MODE MODULATOR AND TRANSMITTER

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

COMMISSIONER FOR PATENTS

Box PCT

Alexandria, VA 22313

SIR:

Responsive to the notification dated December 29, 2005, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a Rule 63 Declaration.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our payment in the amount of \$-0.00- is attached hereto. If any variance exists between the amount enclosed and the required Government fee, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Customer Number

**22850**

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JAN 18 2006

Rec'd PCT/PTO 17 JAN 2006 LIT



UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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 Alexandria, Virginia 22313-1450  
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U.S. APPLICATION NUMBER NO. 10/541,243	FIRST NAMED APPLICANT William Kung	ATTY. DOCKET NO. 274670USPCT
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INTERNATIONAL APPLICATION NO. PCT/CA04/00014
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I.A. FILING DATE 01/06/2004	PRIORITY DATE 01/06/2003
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CONFIRMATION NO. 7797

371 FORMALITIES LETTER



\*OC000000017679368\*

Date Mailed: 12/29/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/01/2005
- Copy of the International Search Report filed on 07/01/2005
- Request for Immediate Examination filed on 07/01/2005
- U.S. Basic National Fees filed on 07/01/2005
- Priority Documents filed on 07/01/2005

RECEIVED: 2305

OBLON, SPIVAK, MCCLELLAND  
MAIER & NEUSTADT, P.C.

DOCKETING DEPT.

Initials/Date Docketed: 1/16/2006

Type of Resp(s): Act

Due Date(s): 3-28-06

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9[REDACTED] EXT 210

## PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/541,243	PCT/CA04/00014	274670USPCT

FORM PCT/DO/EO/905 (371 Formalities Notice)